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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,073	04/30/2001	Thomas Winkler	NC29346	4525
30973	7590	10/13/2004	EXAMINER	
SCHEEF & STONE, L.L.P.			LE, NHAN T	
5956 SHERRY LANE				
SUITE 1400			ART UNIT	
DALLAS, TX 75225			PAPER NUMBER	
			2685	

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/846,073

Applicant(s)

WINKLER, THOMAS

Examiner

Nhan T Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04302001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 4-7, 9, 10, 11, 12, 14-17, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck (US 5,590,417) in view of Grube et al (US 5,590,417).

As to claims 1, 11, Rydbeck teaches a communications system, a system for extending the range of a wireless headset comprising: a phone (see fig. 2c, number 120, col. 2, line 56- col. 3, line 2); a wireless headset associated with the phone, the wireless headset capable of communicating directly with the phone utilizing a wireless communications protocol having a distance limit (see fig. 2c, number 10, col. 2, line 56- col. 3, line 2);

Rydbeck fails to teach a communications system; and a plurality of access points each coupled to the communications system at one of a plurality of dispersed locations, wherein the access points are capable of selectively establishing a communications path within the communications system between an access point emulating the phone and an access point emulating the headset to provide communications between the phone and the headset when the phone and the headset are separated by a distance greater than the distance limit. Grube teaches the communications system (see fig. 1,

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number 101, col. 2, lines 31-43); and a plurality of access points (see fig. 1, numbers 106-109; 110-112; communication resource) each coupled to the communications system at one of a plurality of dispersed locations, wherein the access points are capable of selectively establishing a communications path within the communications system between an access point emulating a communication unit and an access point emulating another communication unit to provide communications between the communication units when the communication units are separated by a distance greater than the distance limit (see col. 2, lines 44-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Grube into the system of Rydbeck in order to maintain the wide range communication link between the devices.

As to claims 2, 12, it is clear that as Rydbeck is modified with Grube, the above combination teaches the system of claim 1, wherein each access point is capable of selectively: emulating the phone utilizing the communications protocol; emulating the headset utilizing the communications protocol communicating with the phone within the finite distance from the phone utilizing the communications protocol, communicating with the headset within the finite distance from the headset utilizing the communications protocol, and interfacing with the communications system.

As to claims 4, 14, as the combination of Rydbeck and Grube is made, it teaches the system of claim 1 wherein the phone and the headset are separated by a distance greater than the distance limit, but the phone is separated from a first access point by a distance not greater than the distance limit and the headset is separated from a second

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access point by a distance not greater than the distance limit (see col. 2, lines 44-67, col. 3, lines 1-52).

As to claims 5, 15, the combination of Rydbeck and Grube teaches the system of claim 4 wherein the first access point emulates the headset in communicating with the phone and the second access point emulates the phone in communicating with the headset (see col. 2, lines 44-67, col. 3, lines 1-52).

As to claims 6, 16, the combination of Rydbeck and Grube teaches the system of claim 5 wherein the communications path within the communications system couples the first and second access points (see col. 2, lines 44-67, col. 3, lines 1-52).

As to claims 7, 17, the combination of Rydbeck and Grube teaches the system of claim 6 wherein communications from the phone received at the first access point are forwarded via the communications path to the second access point for transmission to the headset and communications from the headset received at the second access point are forwarded via the communications path to the first access point for transmission to the phone (see fig. 1, numbers 106-109; 110-112, col. 2, lines 44-67, col. 3, lines 1-52).

As to claims 9, 19, the combination of Rydbeck and Grube teaches the system of claim 1 wherein the phone and the headset communicate directly when the phone and the headset are separated by a distance not greater than the distance limit and communicate via the communications path between two access points when the phone and the headset are separated by a distance greater than the distance limit (see fig. 1, numbers 106-109; 110-112, col. 2, lines 44-67, col. 3, lines 1-52).

As to claims 10, 20, the combination of Rydbeck and Grube teaches the system of claim 1 wherein the access points are capable of detecting when the phone and the headset are separated by a distance greater than the distance limit or whether the phone and the headset are communicating directly (see col. 2, lines 44-67, col. 3, lines 1-52).

2. Claims 3, 8, 13, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck (US 5,590,417) in view of Grube et al (US 5,590,417) and in further view of Cannon (US 6,650,871).

As to claims 3, 13, the combination of Rydbeck and Grube fails to teach the system of claim 2 wherein the phone and the headset communicate utilizing Bluetooth and the access points are each capable of emulating the phone and the heads utilizing Bluetooth. Cannon teach the communication between various electronic devices using Bluetooth protocol (see col.3, lines 39-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Cannon into the system of Rydbeck and Grube in order to allow the communication between multiple electronic devices with accommodation for larger area coverage (see col. 1, lines 18-25, as suggested by Cannon).

As to claims 8, 18, the combination of Rydbeck, Grube, and Cannon further teaches the system of claim 4 wherein the distance limit is a Bluetooth wireless, headset distance limit (see Cannon, col. 7, lines 5-14).

Response to Arguments

Applicant's arguments filed 06/11/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that the reference of Rydbeck and Grube fails teach applicant's invention. The examiner, however, disagrees with applicant. The combination of Rydbeck and Grube teaches Applicant's invention. Rydbeck teaches the communication mode is normally directly between a headset and a handset (see fig. 2c, number 120, col. 2, line 56- col. 3, line 2; number 10, col. 2, line 56- col. 3, line 2); Grube teaches that when the distance between handsets (ie. mobile objects such as headset or handset) get too great does communication over the communication system begin (see col. 2, lines 44-67), the communication system is from one location to another location in which includes relatively local such as in the case of a Local Area Network (see fig. 1, number 101, col. 2, lines 31-43). The combination of Rydbeck and Grube teaches that the headset and the handset (see Rydbeck fig. 2c, number 120, col. 2, line 56- col. 3, line 2; number 10, col. 2, line 56- col. 3, line 2) communicate over the LAN one access point emulates the handset and another emulates a headset to facilitate communication between the headset and handset (see Grube fig. 1, numbers 106-109; 110-112; communication resource, col. 2, lines 44-67). In addition, Grube also teaches a communication system with a plurality of access points (see fig. 1, number 106-109, 110-112, communication resources, col. 2, lines 31-43) each coupled to the communication system at one of a plurality of dispersed locations, wherein the access points are capable of selectively establishing a communication path within the communication system between an access point emulating the phone and an access

point emulating the headset to provide communication between the phone and the headset when the phone and the headset are separated by a distance greater than the distance limit (see col. 2, lines 44-67).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T Le whose telephone number is 703-305-4538. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

N. Le

Nhan Le

Nguyen Vo
10-7-2004

NGUYEN T. VO
PRIMARY EXAMINER